

1           **BOARD BILL # 119                   INTRODUCED BY ALDERWOMAN TRIPLETT**

2           **AN ORDINANCE APPROVING THE PETITION OF WTD VENTURE,**  
3           **LLC, AS OWNER OF CERTAIN REAL PROPERTY, TO ESTABLISH A**  
4           **COMMUNITY IMPROVEMENT DISTRICT, ESTABLISHING THE 1400**  
5           **WASHINGTON COMMUNITY IMPROVEMENT DISTRICT, FINDING A**  
6           **PUBLIC PURPOSE FOR THE ESTABLISHMENT OF THE 1400**  
7           **WASHINGTON COMMUNITY IMPROVEMENT DISTRICT, AND**  
8           **CONTAINING A SEVERABILITY CLAUSE.**

9           **WHEREAS**, Mo. Rev. Stat. §67.1400 *et seq.* (the “CID Act”) authorized the Board of  
10 Aldermen to approve the petitions of property owners to establish a Community Improvement  
11 District; and

12           **WHEREAS**, a petition has been filed with the City, requesting formation and  
13 establishment of the 1400 Washington Community Improvement District, signed by authorized  
14 representatives of the owners of more than fifty percent by assessed value and per capita of the  
15 property located within the 1400 Washington Community Improvement District (as amended,  
16 the “Petition”); and

17           **WHEREAS**, the Register of the City of St. Louis did review and determine that the  
18 Petition substantially complies with the requirements of the CID Act; and

19           **WHEREAS**, a public hearing, duly noticed and conducted as required by and in  
20 accordance with the CID Act was held at \_\_\_\_\_ on \_\_\_\_\_, 2007, by the Board of  
21 Aldermen; and

1           **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is  
2 in the best interest of the City of St. Louis and that the property owners of the 1400 Washington  
3 Community Improvement District, as well as the City as a whole, will benefit from the  
4 establishment of the 1400 Washington Community Improvement District.

5           **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

6           **Section One.**

7           (a) A community improvement district, to be known as the “1400 Washington  
8 Community Improvement District” (hereinafter referred to as the “District”), is hereby  
9 established pursuant to the CID Act on certain real property described below to provide services,  
10 construct improvements, impose assessments and taxes and carry out other functions as set forth  
11 in the Petition, which is attached hereto as Appendix A and incorporated herein by this reference.

12           (b) The District boundaries are set forth in the map included in the Petition in  
13 Appendix A and are generally described as follows: that real property bounded on the north by  
14 Washington Avenue, on the east by 14<sup>th</sup> Street, on the south by St. Charles Street, and on the  
15 west by the western boundary of the parcel of real property commonly known as 1408-1414  
16 Washington Avenue.

17           **Section Two.**

18           The District is authorized by the Petition, in accordance with the CID Act to  
19 impose a tax upon retail sales within the District, to provide funds to accomplish any power, duty  
20 or purpose of the District.

21           **Section Three.**

22           The District is authorized by the CID Act, at any time, to issue obligations, or to enter  
23 into agreements with other entities with the authority to issue obligations, for the purpose of  
24 carrying out any of its powers, duties, or purposes. Such obligations shall be payable out of all,

1 part or any combination of the revenues of the District and may be further secured by all or any  
2 part of any property or any interest in any property by mortgage or any other security interest  
3 granted. Such obligations shall be authorized by resolution of the District, and if issued by the  
4 District, shall bear such date or dates, and shall mature at such time or times, but not more than  
5 twenty (20) years from the date of issuance, as the resolution shall specify. Such obligations  
6 shall be in such denomination, bear interest at such rate or rates, be in such form, be payable in  
7 such place or places, be subject to redemption as such resolution may provide and be sold at  
8 either public or private sale at such prices as the District shall determine subject to the provisions  
9 of Mo. Rev. Stat. §108.170. The District is also authorized to issue such obligations to refund, in  
10 whole or part, obligations previously issued by the District.

11 **Section Four.**

12 (a) Pursuant to the Petition, the District shall be in the form of a political  
13 subdivision of the State of Missouri, known as the 1400 Washington Community Improvement  
14 District.

15 (b) Pursuant to Section 67.1471 of the CID Act, the fiscal year for the District  
16 shall be the same as the fiscal year for the City of St. Louis.

17 (c) No earlier than one hundred and eighty (180) days and no later than ninety  
18 (90) days prior to the first day of each fiscal year, the District shall submit to the Board of  
19 Aldermen a proposed annual budget for the District, setting forth expected expenditures,  
20 revenues, and rates of assessments, if any, for such fiscal year. The Board of Aldermen may  
21 review and comment on this proposed budget, but if such comments are given, the Board of  
22 Aldermen shall provide such written comments no later than sixty (60) days prior to the first day  
23 of the relevant fiscal year; such comments shall not constitute requirements, but shall only be  
24 recommendations.

1 (d) The District shall hold an annual meeting and adopt an annual budget no later  
2 than thirty (30) days prior to the first day of each fiscal year.

3 **Section Five.** The District is authorized to use the funds of the District for any of the  
4 improvements, services or other activities authorized under the CID Act.

5 **Section Six.** Pursuant to the CID Act, the District shall have all of the powers necessary  
6 to carry out and effectuate the purposes of the District and the CID Act as set forth in the CID  
7 Act.

8 **Section Seven.** The City of St. Louis hereby finds that the uses of the District proceeds as  
9 provided for in the Petition hereto will serve a public purpose by remediating blight and  
10 encouraging the redevelopment of real property within the District.

11 **Section Eight.** The District is located within the Washington Ave. Loft Area, which was  
12 declared “blighted” under Chapter 99 RSMo. in Ordinance No. 65965 of the City of St. Louis  
13 Board of Aldermen, and such designation of blight is hereby reaffirmed.

14 **Section Nine.** Within one hundred twenty (120) days after the end of each fiscal year, the  
15 District shall submit a report to the Register of the City and the Missouri Department of  
16 Economic Development stating the services provided, revenues collected and expenditures made  
17 by the District during such fiscal year, and copies of written resolutions approved by the board of  
18 the District during the fiscal year. The Register shall retain this report as part of the official  
19 records of the City and shall also cause this report to be spread upon the records of the Board of  
20 Aldermen, pursuant to Section 67.1471 of the CID Act.

21 **Section Ten.** The term for the existence of the District shall be as set forth in the Petition,  
22 as may be amended from time to time or as such term may be otherwise modified in accordance  
23 with the CID Act.

1           **Section Eleven.** Pursuant to the CID Act, the Board of Aldermen shall not decrease the  
2 level of publicly funded services in the District existing prior to the creation of the District or  
3 transfer the burden of providing the services to the District unless the services at the same time  
4 are decreased throughout the City, nor shall the Board of Aldermen discriminate in the provision  
5 of the publicly funded services between areas included in the District and areas not so included.

6           **Section Twelve.** The Register shall report in writing the creation of the 1400 Washington  
7 Community Improvement District to the Missouri Department of Economic Development.

8           **Section Thirteen.** The Petition provides that the District shall be governed by a Board of  
9 Directors consisting of five individual directors (collectively the “Directors” and each a  
10 “Director”), such Directors to be appointed by the Mayor of the City with the consent of the  
11 Board of Aldermen, in accordance with the CID Act and the qualifications set forth in the  
12 Petition.

13           **Section Fourteen.** If any section, subsection, sentence, clause, phrase or portion of this  
14 ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of  
15 competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,  
16 distinct and independent provision of this ordinance, and such holding or holdings shall not  
17 affect the validity of the remaining portions of this ordinance.

**APPENDIX A**

1400 Washington Community Improvement District Petition

**ON FILE WITH THE CITY REGISTER**